

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INSITUFORM TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04 10487 GAO
)	
AMERICAN HOME ASSURANCE COMPANY,)	
)	
Defendant.)	

**INSITUFORM TECHNOLOGIES, INC.'S ASSENTED TO MOTION
FOR LEAVE TO FILE REPLY MEMORANDUM IN SUPPORT OF
ITS CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1(B), Plaintiff Insituform Technologies, Inc. ("Insituform") hereby moves, with the assent of Defendant American Home Assurance Company ("American Home"), for leave to file the accompanying Reply Memorandum in Support of its Cross-Motion for Summary Judgment, attached. In support of this Motion, Insituform states as follows:

1. Insituform's attached Reply is necessary to respond to certain arguments contained in American Home's Reply Memorandum in Support of Its Motion for Summary Judgment.
2. It is in the interest of justice to permit Insituform to file the Reply and the filing thereof will neither prejudice American Home nor delay resolution of the pending Motion for Summary Judgment.
3. Counsel for American assents to the relief requested in this Motion.

WHEREFORE, Insituform requests that its Motion for Leave to File a Reply Memorandum be granted.

LOCAL RULE 7.1(A) CERTIFICATION

By signing below, the undersigned certifies that he conferred with Insituform's counsel on October 5, 2006, and American Home's counsel assents to the relief requested in this Motion.

Dated: October 5, 2006

Respectfully submitted,

INSITUFORM TECHNOLOGIES, INC.

By: /s/Charles L. Philbrick

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of Insituform Technologies, Inc.'s Assented to Motion for Leave to File Reply Memorandum in Support of Its Cross-Motion for Summary Judgment was served upon:

Gregory P. Deschenes
Kurt Mullen
Nixon Peabody LLP
100 Summer Street
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by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Charles L. Philbrick